

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIEU-MERCI LUBIBA,

Plaintiff,

v.

KING COUNTY SUPERIOR COURT -
FAMILY LAW DIVISION; HON.
MARSHALL FERGUSON; KIESE
WILBURN; DOES 1-5,

Defendants.

CASE NO. 2:25-cv-00799-JNW

ORDER

1. INTRODUCTION

Pro se Plaintiff Dieu-Merci Lubiba pursues this action in forma pauperis (IFP). Dkt. No. 12. When a plaintiff proceeds IFP, Section 1915 requires the Court to dismiss the action if the Court determines it fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2)(B). On May 27, the Court reviewed Lubiba’s complaint and found that it fails to state a claim upon which relief may be granted because “the Anti-Injunction Act, *Younger* abstention, and *Rooker-Feldman* preclude federal jurisdiction over Lubiba’s claims.” Dkt. No. 19. Rather than dismissing the case, the Court granted Lubiba leave to amend the complaint. *Id.*

1 The Court also found that Lubiba's motion to seal, Dkt. No. 14, was
2 procedurally and substantively deficient; yet rather than denying the motion and
3 thus lifting the provisional seal, the Court reserved judgment, left the provisional
4 seal in place, and ordered Lubiba to show cause why the sealed filings should
5 remain hidden from public view. *Id.*

6 On June 17, Lubiba filed an amended complaint, Dkt. No. 22; renewed
7 motion for temporary restraining order (TRO), Dkt. No. 24; and corrected motion to
8 seal, Dkt. No. 20. Upon review, the Court, being fully informed, finds that the
9 amended complaint does not rectify the defects identified in the previous complaint.
10 Because the Court concludes that further leave to amend would be futile, the Court
11 DISMISSES this action in its entirety under Section 1915. The renewed TRO
12 request is therefore DENIED. Dkt. No. 24.

13 As for the corrected motion to seal, the Court adopts Lubiba's request for
14 leave to file redacted versions of his sealed filings and gives him FOURTEEN days
15 to do so. Until that time, the Court RESERVES decision on his motions to seal (Dkt.
16 Nos. 14, 20) and DIRECTS the Clerk of Court to maintain Lubiba's filings under
17 provisional seal. If Lubiba does not timely file redacted versions of his filings, the
18 Court will lift the provisional seal and maintain only those filings under seal that
19 must remain sealed under LCR 5.2.

20 2. SECTION 1915 REVIEW

21 In its May 27 Order, the Court reviewed Lubiba's initial complaint under
22 Section 1915 and found that it failed to state a claim on which relief may be granted
23 for at least three reasons: one, it seeks an injunction staying state-court proceedings

1 in violation of 28 U.S.C. § 2283; second; it is subject to *Younger* abstention; and
2 third, it seeks federal review of interlocutory state-court decisions in violation of the
3 *Roquer-Feldman* doctrine. *See* Dkt. No. 19 at 4–8, 11–12.

4 Lubiba’s amended complaint cures none of these defects. The complaint
5 makes conclusory assertions of law, asserting that Judge Ferguson’s procedural
6 rulings in Lubiba’s state case are unlawful under the Americans with Disabilities
7 Act (ADA) and U.S. Constitution. But the complaint offers no factual allegations to
8 support these conclusory assertions. Lubiba provides a small record of his
9 communications with the state court. *See* Dkt. No. 23 at 4–10. Upon review, the
10 Court finds that this record does not provide any evidence of procedural irregularity
11 in his state case. And conclusory assertions of law alone are insufficient to plausibly
12 state a claim for relief. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

13 Even more to the point, Lubiba’s amended complaint does not address the
14 Court’s *Younger* analysis. The complaint—and the renewed TRO request—seek
15 injunctive relief to block the enforcement of procedural rulings in Lubiba’s state
16 family-court proceeding. As explained previously, such federal intervention in an
17 ongoing state case is generally impermissible. *See Younger v. Harris*, 401 U.S. 37
18 (1971). And Lubiba provides no evidence or even allegations to persuade the Court
19 that his state-court proceeding is being “conducted in bad faith or to harass the
20 litigant” such that an exception to *Younger* abstention might apply. *See Cornell v.*
21 *Off. of Dist. Att’y, Cnty. of Riverside*, 616 F. Supp. 3d 1026, 1036 (C.D. Cal. 2022).

22 Additionally, just as *Younger* abstention forbids the injunctive relief sought
23 in Lubiba’s complaint, immunity doctrines preclude his claims for monetary relief.

1 Lubiba sues the family court, the family-court judge, and the judicial bailiff for
2 monetary damages stemming from allegedly unlawful rulings. All these defendants
3 are immune from Lubiba's damages claims.

4 First, "[t]he Eleventh Amendment bars suits which seek either damages or
5 injunctive relief against a state, an 'arm of the state,' its instrumentalities, or its
6 agencies." *Franceschi v. Schwartz*, 57 F.3d 828, 831 (9th Cir. 1995). A local court,
7 such as Defendant King County Superior Court, is considered an "arm of the state"
8 and therefore protected by Eleventh Amendment immunity. *Id.*

9 Likewise, under the common-law doctrine of judicial immunity, judges are
10 immune from monetary liability for acts—even gravely erroneous acts—performed
11 in their judicial capacities. *Stump v. Sparkman*, 435 U.S. 349, 359 (1978). This
12 doctrine precludes Lubiba's damages claims against Judge Ferguson, which stem
13 from his official rulings.

14 Similarly, the common-law doctrine of quasi-judicial immunity immunizes
15 *non-jurists* "who perform functions closely associated with the judicial process" from
16 monetary liability for quasi-judicial acts. *In re Castillo*, 297 F.3d 940, 948 (9th Cir.
17 2002), *as amended* (Sept. 6, 2002). Lubiba's monetary damages claim against Judge
18 Ferguson's judicial bailiff, Defendant Kiese Wilburn, does not survive Wilburn's
19 quasi-judicial immunity.

20 In sum, because Lubiba states no claim on which relief can be granted, the
21 Court FINDS that the complaint must be dismissed in its entirety under 28 U.S.C. §
22 1915(e)(2)(B).

3. MOTION TO SEAL

Before dispensing with this matter, the Court must also address Lubiba's motions to seal. Dkt. Nos. 14, 20. In its previous Order, the Court found that Lubiba's motion to seal at Dkt. No. 14 was procedurally and substantively defective. *See* Dkt. No. 19 at 10. The Court explained that it "sees no problem with Lubiba's request to maintain the privacy of his medical and ADA-related information; references to his minor child; materials describing his financial situation; and materials describing trauma and harm." *Id.* But the Court noted that "by seeking to maintain the secrecy of his *contact information*—and then including that contact information on every page of his filings—Lubiba has rendered this entire case invisible to the public." *Id.*

Rather than denying the motion to seal and thereby exposing Lubiba's personal information to public view, the Court ordered Lubiba, within twenty-one days, to "(1) submit redacted versions of his filings; (2) file an amended motion to seal that does not seek to maintain his contact information under seal; or (3) show cause as to why the materials presently under provisional seal should remain sealed while the motion to seal is pending." *Id.* at 13.

In Lubiba's corrected motion to seal, Lubiba asks the Court to (1) "permit the sealing of previously submitted documents" and (2) "allow Plaintiff to file amended redacted versions of those same documents by next week (on or before June 24, 2025), with protected information removed." Dkt. No. 20 at 1. For now, this proposal is acceptable. The Court RESERVES decision on Lubiba's motions to seal, Dkt. Nos. 14, 20, and ORDERS Lubiba, within FOURTEEN (14) days of this Order, to:

